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6 **BEFORE THE**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **THE SUCCESSOR TO THE BOARD OF REGISTERED NURSING**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **TERRI LOUISE JONES, AKA TERRY L.**
12 **SLENDERS, AKA TERRI HEYMAN**
13 **961 F Street**
14 **Los Banos, CA 93635**

15 **Registered Nurse License No. 572369**

16 Respondent.

Case No. 2012-159

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 **FINDINGS OF FACT**

18 1. On or about December 20, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, filed Accusation
20 No. 2012-159 against Terri Louise Jones, aka Terry L. Slenders, aka Terri Heyman (Respondent)
21 before the Department of Consumer Affairs. (Accusation attached as **Exhibit A.**)

22 2. On or about September 27, 2000, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 572369 to Respondent. The Registered Nurse License expired on
24 December 31, 2011, and has not been renewed. This lapse in licensure, however, pursuant to
25 Business and Professions Code sections 118(b) and 2764, does not deprive the Board of its
26 authority to institute or continue this disciplinary proceeding.
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1 3. On or about December 20, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2012-159, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
6 which was and is:

7 961 F Street
8 Los Banos, CA 93635.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about December 12, 2011, Respondent signed the certified mail receipt,
13 accepting the delivery of copies of the Accusation and other documents referenced in Paragraph 3
14 above, and the signed receipt was received by the Board on or about December 27, 2011.

15 6. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent
17 files a notice of defense, and the notice shall be deemed a specific denial of all parts
18 of the accusation not expressly admitted. Failure to file a notice of defense shall
19 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
20 may nevertheless grant a hearing.

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
23 159.

24 8. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions
27 or upon other evidence and affidavits may be used as evidence without any notice to
28 respondent.

 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on
2 file at the Board's offices regarding the allegations contained in Accusation No. 2012-159, finds
3 that the charges and allegations in Accusation No. 2012-159, are separately and severally, found
4 to be true and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement are \$9,401.50 as of January 18, 2012.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Terri Louise Jones, aka Terry L.
10 Slenders, aka Terri Heyman has subjected her Registered Nurse License No. 572369 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Department of Consumer Affairs is authorized to revoke Respondent's
13 Registered Nurse License based upon the following violations alleged in the Accusation which
14 are supported by the evidence contained in the Default Decision Evidence Packet in this case:

15 a. Business & Professions Code sections 820 and 822, in that Respondent's ability to
16 practice safely as a registered nurse is impaired by mental and/or physical illness.

17 b. Business & Professions Code sections 2761(a) & (d) and 2762(a) & (b), in that
18 Respondent used controlled substances in a manner which was dangerous and/or injurious to
19 herself and/or others, on or about July 18, 2009, July 18, 2010 and August 27, 2010.

20 c. Business & Professions Code sections 2761(d), in that she engaged in behavior that
21 violates the Nursing Practice Act.

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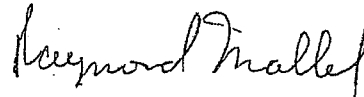
1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 572369, heretofore issued to
3 Respondent Terri-Louise Jones, aka Terry L. Slenders, aka Terri Heyman, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on SEPTEMBER 27, 2012.

9 It is so ORDERED AUGUST 28, 2012

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11 FOR THE DEPARTMENT OF CONSUMER
12 AFFAIRS
13 THE SUCCESSOR TO THE BOARD OF
14 REGISTERED NURSING

15 51079174.DOC
DOJ Matter ID: LA2011600904

16 Attachment: Exhibit A: Accusation
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Exhibit A

Accusation

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-159

12 **TERRI LOUISE JONES, AKA TERRY L.**
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961 F Street
14 **Los Banos, CA 93635**

A C C U S A T I O N

Registered Nurse License No. 572369

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 27, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 572369 to Terri Louise Jones, aka Terry L. Slenders, aka Terri Heyman
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on December 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 820 of the Code states:

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

8. Section 822 provides that:

“If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

1 (b) Suspending the licentiate's right to practice.

2 (c) Placing the licentiate on probation.

3 (d) Taking such other action in relation to the licentiate as the licensing
4 agency in its discretion deems proper.

5 The licensing agency shall not reinstate a revoked or suspended
6 certificate or license until it has received competent evidence of the absence or
7 control of the condition which caused its action and until it is satisfied that with due
8 regard for the public health and safety the person's right to practice his or her
9 profession may be safely reinstated."

10 9. Section 2761 states, in pertinent part:

11 "The board may take disciplinary action against a certified or licensed nurse
12 ... for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the
14 following:

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16 "(d) Violating or attempting to violate, directly or indirectly, or assisting in
17 or abetting the violating of, or conspiring to violate any provision or term of this
18 chapter or regulations adopted pursuant to it."

19 10. Code section 2762 states, in pertinent part:

20 "In addition to other acts constituting unprofessional conduct within the
21 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
22 person licensed under this chapter to do any of the following: . . .

23 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a
24 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself,
25 or furnish or administer to another, any controlled substance as defined in Division 10
26 (commencing with Section 11000) of the Health and Safety Code or any dangerous
27 drug or dangerous device as defined in Section 4022.

28 (b) Use any controlled substance as defined in Division 10 (commencing with
Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license."

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request
the administrative law judge to direct a licentiate found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

1 **CONTROLLED SUBSTANCES**

2 12. "Marijuana" is a Scheduled I controlled substance as designated by Health and
3 Safety Code section 11054, subdivision (d)(13) and is categorized as dangerous drug pursuant to
4 Business and Professions Code section 4022.

5 **FACTUAL SUMMARY**

6 13. On or about July 18, 2010, at approximately 2000 hours, an officer from the San
7 Luis Obispo Sheriff's Office was dispatched to the California Men's Colony (CMC), a state
8 prison. Officers searched the area, and found Respondent hidden in the brush in a drainage ditch
9 on prison property. Respondent indicated she was going to sleep in the ravine overnight, before
10 she started working at the prison in the morning. An officer observed that she did not have any
11 jacket, heavy clothing, shelter, water, or food with her, even though the evening temperatures for
12 that location and time of year average 45-50 degrees Fahrenheit by 9:00 p.m.

13 14. Based upon Respondent's statements and actions, law enforcement determined that
14 she was a danger to herself and/or others due to her mental condition, and transported her to the
15 San Luis Obispo County Mental Health facility, where she was released to their mental health
16 staff.

17 15. On August 27, 2010, an officer from the Sonoma County Sheriff's Office was
18 dispatched to a residence in the Sea Ranch area, by the home owner, S.M., who stated that he had
19 dated Respondent two years prior¹. When the officer arrived, they found Respondent in the
20 driveway of a residence, slumped over, and screaming incoherently. The officer detected an odor
21 of alcoholic beverages from Respondent, and she appeared to be intoxicated. The officer called a
22 medical unit to the scene to examine Respondent for injuries, but he was unable to interview her,
23 because she was screaming at him that he "was the scarecrow man."

24 16. S.M. advised the officer that Respondent had drank wine and smoked marijuana. He
25 further advised the officer that Respondent slapped him across his face, kicked him in the shins,

26 ¹ Individuals are identified by their initials in this Accusation to protect their privacy
27 rights. Upon an appropriate discovery request, Complainant will disclose to Respondent relevant
28 information concerning these individuals.

1 and threw a wine bottle, which struck the sliding glass door. S.M. called 911 and the medics
2 arrived, examined her, and determined that Respondent did not have any injuries.

3 17. Respondent signed a form refusing to be taken to the hospital, against medical
4 advice.

5 18. Respondent was transported to the Sonoma County Sheriff's Office jail and booked
6 on one charge of battery against a person with whom the victim was cohabitating, Penal Code
7 section 243(E)(1). The charge was dropped because S.M. did not want her to be prosecuted.
8 S.M. did seek and obtain a temporary restraining order against Respondent, to prohibit her from
9 going near him or his homes.

10 19. On February 7, 2011, the Board's investigator interviewed Respondent, who stated
11 her problems began in 2003, when she sustained a low back injury while working at St. Agnes in
12 Fresno, CA. On July 18, 2009, she had a fight with her new boyfriend and his son from a prior
13 marriage. She believed that the marijuana she had smoked had been spiked by one of the family
14 members with Ecstasy or acid, and this caused her to have an allergic reaction. She obtained a
15 medical marijuana card in 2009, but never used marijuana while she was on duty caring for
16 patients.

17 20. On December 18, 2009, she smoked marijuana, and claims that this was the last time
18 she smoked it. When the incident at CMC occurred, she stated she had been smoking marijuana
19 and it was "very similar to an acid trip." She thought she would save the world by dancing, and
20 admitted she was totally delusional that evening and had no idea what she was doing or why she
21 was there. She vaguely remembered going through the 5150 process, once in July 2009 and again
22 in August 2009 at the County Mental Health facility in San Luis Obispo.² When asked about the
23 incident at her former boyfriend's house in Sea Ranch, she told the Board's investigator that she
24 drank one glass of wine and had three hits from a marijuana joint. She knocked over a glass of
25

26 ² Section 5150 is a section of the California Welfare and Institutions Code (specifically,
27 the Lanterman-Petris-Short Act or "LPS") which allows a qualified officer or clinician to
28 involuntarily confine a person deemed to have a mental disorder that makes them a danger to him
or her self, and/or others and/or gravely disabled.

1 wine, and then her boyfriend started kicking her in the ribs. The cops and paramedics came to the
2 scene. She believes the entire problem was due to her "allergy" to marijuana.

3 21. On September 16, 2011, the Board issued an order granting a petition to compel
4 Respondent to appear for a psychiatric evaluation (Order).

5 22. On October 18 and 24, 2011, Respondent appeared before a licensed psychologist
6 for a psychiatric evaluation, pursuant to the Board's Order.

7 23. On or about October 27, 2011, the psychologist rendered his expert opinion that Ms.
8 Jones cannot serve as a registered nurse with safety to the public.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Mental and/or Physical Unfitness to Practice Safely as a Registered Nurse)**

11 24. Respondent is subject to disciplinary action under Sections 820 and 822, in that
12 her ability to practice safely as a registered nurse is impaired by mental and/or physical illness, as
13 set forth in Paragraphs 13-23 above, and incorporated herein by reference as though set forth in
14 full.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Use of Controlled Substances in a Manner Dangerous to Self and/or Others)**

17 25. Respondent's license is subject to disciplinary action under Sections 2761,
18 subdivisions (a) and (d), and 2762, subdivisions (a) and (b), as a result of Respondent's use of
19 controlled substances, in a manner dangerous to herself and/or others, as set forth above in
20 Paragraphs 13-23 above, and incorporated fully by reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Violations of the Registered Nursing Practice Act)**

23 26. Respondent is subject to disciplinary action under Section 2761, subdivision (d),
24 in that Respondent has engaged in behavior which violates the Nursing Practice Act, as described
25 above in Paragraphs 13-23 and 25 above, and incorporated herein by reference as though set forth
26 in full.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 572369, issued to Terri Louise Jones, aka Terry L. Slenders, aka Terri Heyman;

2. Ordering Terri Louise Jones to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED:

December 20, 2011

for 

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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